Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of)
)
In re: DELETE, DELETE, DELETE) GN Docket No. 25-133
)

COMMENTS OF Rural Broadband Network Services LLC of Virginia and the undersigned ISPs in the United States of America

I respectfully submit these comments in response to the Commission's Public Notice in the above-captioned proceeding seeking input on identifying FCC rules that impose unnecessary regulatory burdens. Specifically, these comments address why the Commission should eliminate all broadband reporting requirements.

I. INTRODUCTION

The Commission's broadband data collection requirements represent precisely the type of unnecessary regulatory burden that President Trump's Executive Orders target for elimination. These requirements lack proper statutory foundation, impose substantial economic burdens on providers, and ultimately harm the very consumers they purport to help by diverting resources from network investment to regulatory compliance.

II. THE FCC LACKS LEGAL AUTHORITY TO IMPOSE BROADBAND REPORTING REQUIREMENTS

A. Broadband Internet Access Is an Information Service Beyond FCC's Title II Authority

The Supreme Court in *NCTA v. Brand X* (545 U.S. 967, 2005) affirmed the Commission's classification of broadband as an information service. While subsequent Commission actions attempted to reclassify broadband under Title II, the FCC's 2018 Restoring Internet Freedom Order (33 FCC Rcd 311) properly restored broadband's information service classification. Despite this classification, the Commission has continued to expand reporting obligations through the Broadband Data Collection (BDC) program.

The D.C. Circuit in *Comcast Corp. v. FCC* (600 F.3d 642, 2010) clearly established that the Commission lacks ancillary authority to regulate information services absent a clear statutory hook. The court specifically rejected the Commission's attempt to exercise "plenary authority over such providers," finding instead that the agency requires "specific statutory authority" for its regulatory actions.

B. Post-Loper Bright Legal Analysis Undermines FCC's Authority

Following the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo* (144 S. Ct. 2244, 2024), which overturned *Chevron* deference, the Commission can no longer rely on ambiguous statutory language to justify its broadband reporting requirements. The Broadband DATA Act (P.L. 116-130) must now be interpreted according to its plain meaning and in the context of the Commission's limited statutory authority over information services.

When subjected to this more rigorous standard, the Commission's reporting requirements far exceed what Congress authorized, particularly given the agency's long-standing classification of broadband as an information service not subject to common carrier regulation.

C. Constitutional Concerns Further Limit FCC's Authority

The Commission's reporting mandates raise significant constitutional concerns:

1. *First Amendment*: By compelling speech from broadband providers in the form of detailed reporting requirements, the Commission implicates First Amendment protections. Under *Reed v. Town of Gilbert* (576 U.S. 155, 2015), content-based speech regulations are subject to strict scrutiny.

2. *Fifth Amendment*: The Commission's enforcement actions, including the recent $15,000 penalties highlighted in the industry press, raise due process concerns when imposed without clear statutory authority. Furthermore, the requirement to disclose proprietary business information without adequate safeguards potentially constitutes an

uncompensated taking.

3. *Tenth Amendment*: The federalism principles embodied in the Tenth Amendment suggest that absent clear congressional authorization, regulatory authority over intrastate aspects of broadband service should remain with the states.

III. REPORTING REQUIREMENTS IMPOSE SUBSTANTIAL BUSINESS BURDENS

A. Direct Compliance Costs Divert Resources from Network Investment

Broadband providers face substantial costs to comply with the Commission's reporting requirements:

1. *Personnel Costs*: Providers must dedicate staff resources to gather, verify, and submit complex coverage data, often requiring specialized GIS expertise that smaller providers must outsource at significant expense.

2. *Technical Systems*: The Commission's specific formatting and submission requirements necessitate specialized software and systems that providers would not otherwise require for normal business operations.

3. *Consultant Fees*: Many smaller providers must rely on external consultants with specialized regulatory knowledge to ensure compliance, incurring costs ranging from $10,000-$50,000 annually depending on service area complexity.

4. *Opportunity Costs*: Every dollar spent on regulatory compliance is a dollar not invested in network expansion, upgrades, or improved customer service.

According to a 2022 study by Trebbi and Zhang cited in the Commission's own Public Notice, regulatory compliance creates economies of scale that disproportionately disadvantage smaller businesses. This asymmetric burden directly contradicts the Commission's statutory obligation under 47 U.S.C. § 163 to identify and eliminate regulatory barriers to entry.

B. Regulatory Uncertainty Creates Business Planning Challenges

The Commission's constantly evolving reporting requirements create significant operational challenges:

1. *Shifting Standards*: The Commission has repeatedly changed its data specifications, submission formats, and challenge processes, forcing providers to continually revise

their compliance strategies.

2. *Investment Hesitancy*: Uncertainty regarding future reporting obligations and potential enforcement actions creates a chilling effect on infrastructure investment, particularly in marginally profitable areas where regulatory compliance costs could tip the balance against deployment.

3. *Competitive Disadvantage*: Traditional ISPs face reporting burdens not imposed on emerging competitors like satellite providers, fixed wireless operators, and mobile carriers offering home internet services, creating an uneven competitive landscape.

IV. MARKET-BASED ALTERNATIVES ALREADY EXIST

A. Robust Consumer Protection Framework

The Federal Trade Commission already possesses comprehensive authority to address deceptive practices regarding broadband offerings:

1. Section 5 of the FTC Act prohibits "unfair or deceptive acts or practices in or affecting commerce," providing ample authority to pursue providers who misrepresent coverage, speeds, or other material service characteristics.

2. The FTC's authority extends to all aspects of the consumer relationship, including advertising, billing, and service delivery - a more comprehensive approach than the FCC's narrow focus on coverage reporting.

3. Unlike the FCC's prophylactic reporting requirements, the FTC's enforcement framework targets actual consumer harm, providing more efficient use of government resources.

B. Competitive Marketplace Incentives

The broadband marketplace has evolved substantially since reporting requirements were first implemented:

1. According to USTelecom's 2024 Broadband Pricing Index, broadband prices have declined while speeds have increased, demonstrating effective market competition.

2. Consumers now have multiple service options in most locations, including traditional wireline, fixed wireless, mobile, and multiple satellite providers.

3. Market competition naturally incentivizes accurate representations of service capabilities, as providers who misrepresent their offerings face customer churn and reputation

damage.

V. FEDERAL SUBSIDY PROGRAMS ENABLED BY REPORTING REQUIREMENTS HARM PRIVATE INVESTMENT

The Commission's broadband mapping primarily serves to administer subsidy programs that frequently result in counterproductive market interventions:

1. *Overbuilding Existing Networks*: Government subsidies have repeatedly funded deployment in areas already served by privately-funded providers, undermining existing investment and creating stranded assets.

2. *Market Distortion*: Subsidized providers gain artificial competitive advantages not based on operational efficiency or service quality, creating long-term market inefficiencies.

3. *Regulatory Capture*: The complexity of subsidy programs often favors larger providers with regulatory expertise, further disadvantaging smaller market participants despite programs' stated focus on underserved areas.

4. *Value Destruction*: The recent collapse of Trueline, as reported in Wireless Estimator on March 6, 2025, exemplifies how government subsidy-dependent business models create instability in the telecommunications sector.

VI. CONCLUSION

For the foregoing reasons, the Commission should eliminate its broadband reporting requirements as part of its "Delete, Delete, Delete" initiative. These requirements exceed the Commission's statutory authority, impose substantial business burdens without commensurate benefits, duplicate existing consumer protection mechanisms, and enable counterproductive market interventions that ultimately harm the broadband ecosystem.

In their place, the Commission should rely on the combination of market competition, FTC oversight, and voluntary industry transparency initiatives to ensure consumers have access to accurate information about broadband services.

Respectfully submitted,

Alex Phillips, Rural Broadband Network Services LLC 03/12/2025

And the undersigned:

Sundial Communications, Inc.	David Dean	Boulder, Colorado	
Vicinity Solutions, Inc.	William Glenn	Dolores, CO	YES!
SPECTRULINK L.L.C	Gregory Bonillas	Streetman, TX	
Blue Pulse Networks LLC	Andrew Bower	Centerton, AR	
Double Dog Comminications	Ernie Preston	York, PA	We would appreciate your consideration in ending this filing requirement for the smaller WISP, especially those of us who have never asked for or received government funding. This is an unreasonable burden for the small ISP's who do not have the financial resources to handle it.
Northwest Ohio Broadband LLC	Tim Reichhart	Coldwater,OH	
Netafy, Inc	Donald Dawson	Errol NH	Please end all these burdensome regulations on small operators including BDC in its current form
Precision Data Solutions, LLC / DBA PDS Connect	Eric Rogers	Mooresville, IN	As a private company, we should not be required to spend thousands of dollars to tell where our customers are, what products we offer, and how successful we are in reaching those customers. Furthermore, our competition is using this data to overbuild us when we are doing what they have not for nearly 100 years.
Eastern Carolina Broadband LLC	Al Rachide	Pink Hill NC	The BDC filings have been a painful burden on our small company. Hundreds of man hours have been spent reporting who could get our internet service. Yet most of these addresses have access to multiple provides, all with more than enough speed and reliability and all at affordable prices. What has been gained here? The brow beating of the

			internet service providers? And for what purpose other than to satisfy the cravings of a few at the FCC?
RiverNet, LLC	Austen Parish	Georgetown, MD	This broadband collection has only dramatically increased my workload while not preventing fiber from overbuilding me. I'm watching 3 fiber companies overbuild each other and we ALL deliver 1Gb/s symmetrical as well as have a saturated comcast market.
Ravalli Broadband LLC	Lynn Hammers	Stevensville, MT	
Brady Communications, LLC	Chad Huffman	Brady, Texas	Delete any policy that supports government interfering with the private sector
Altitude ISP, LLC	Nathan Stone	Copperas Cove, TX	
Triad Wireless	Rory P Conaway	Phoenix/Az	
South East Wireless	Kirstie Collins	Dothan, AL	
Gila Broadband	Andy Wilhelm	Concho, AZ	
Smart Way Communications, LLC	Ryan Grewell	New Philadelphia, Ohio	
Free Range Internet	Alex Drean	Ajo, AZ	
Riverside Broadband LLC	Tobias Nelson	West Portsmouth Ohio	
Southern edge broadband	Joseph marsh	Oneonta Alabama	
Webgears	Bill Laakkonen	Hobe Sound, Florida	This reporting requirement should be deleted as it is an onerous burden particularly for small ISPs who often do not employ PEs to certify the reports as the FCC requires unecessarily.
CresComm WiFi LLC, Inc	Robert	Port Angeles,	

	Penswort h	WA	
186networks	Michael Gaylord	Rapid City Michigan	We feel the BDC reporting should not continue. It creates an undue burden on our companies staff. With all the current BEAD almost done, and from what I understand little to no other funding Grants on the horizon, I believe the reporting requirements are no longer needed.
Lee Wireless, LLC	Michael Lee	El Paso, TX	
Wireless Data Net, LLC	Tristan Johnson	Saybrook, IL	
TellerWifi	Zach Babiarz	Woodland Park, Colorado	
ZipLink Systems LLC	David Busch	San Tan Valley, AZ	
LCS Fibercom, LLC	Jamie Groskopf	Willis, Texas	Signed in support of the proposed deregulation that imposes undue burdens on small and innovative businesses and creates an unjust competitive advantage for large subsidized regional monopolies.
Interstate Wireless inc D/b/a Az Airnet	wayne markis	tempe, az.	Small Wireless ISP have this burden mandated on them, and because we use Unlicensed technology to provide service, BDC and BEAD show our areas as UNSERVED. We essentially are mandated to provide information to the Government to put ourselves out of business.
RC Wireless	Caden	Idaho	
Quantum Communications LLC	Keelin Hanrahan	Lexington Missouri	
9Stone LLC	Bryan Scott	Grantsville, UT	
Internet Service Inc	Steve Wright	Big Rapids MI	
Susquehanna Broadband, LLC	Christoph er Miller	Northumberlan d, PA	

Falcon Internet	Jeff Taylor	Salado Texas	
Ardent Wireless LLC	Brendan Coon	Spokane, WA	Fully support this. The requirements are extremely burdensome and costly for our small business, and we continue to be overbuilt by BEAD even though we provide 500mbps fixed wireless in the areas being overbuilt. Something needs to change.
ProValue.Net	Nick Beverage	Stillwater, Oklahoma	I agree with all of the statements provided.
Brightlan	Ralph Fowler	Kennesaw, GA	
WON Communicaitons	matthew thomas	springfield, mo	Thanks for considering this request
Rapid Wireless, LLC	Joshua Thurston	Hartford, Alabama	